

215146

AVIATION TECHNOLOGIES LTD.

P.O. BOX: # 73, Tonopah, Nevada 89049

Administrative Offices: 4959 - Talbot Lane, Unit # 69, Reno, Nevada 89509

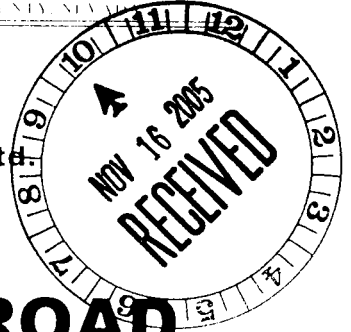
Aviation Technologies Ltd., "ATL" PRINCIPAL PLACE OF BUSINESS, TONOPAH AIRPORT, NVL COUNTY, NEVADA

Robert Alan Kemp

Chief Executive Officer - Aviation Technologies Ltd.

[Representing]

NEVADA CENTRAL RAILROAD



(Sunday), November 13, 2005

VIA COURIER

Mr. Vernon A. Williams, Secretary
Office of the Secretary
Surface Transportation Board
1925 K Street, NW Room 711
Washington, D.C. 20423-0001

RE: Finance Docket No. 34773 NEVADA CENTRAL RAILROAD
"NCRR" - EXEMPTION FOR ACQUISITION AND OPERATION
OF RAIL SERVICE - IN ELKO AND WHITE PINE COUNTIES
NEVADA

Dear Secretary Williams,

We have enclosed three executed original's and ten copies of: NEVADA CENTRAL RAILROAD'S
Verified Notice of Exemption for filing as set forth in 49 U.S.C. ss 1152.50. Also enclosed is a check in the
amount of (\$1,500.00) to cover the costs associated with this filing.

We would appreciate your date stamping the extra copies of this submission and returning same so
that our files might properly reflect this filing. If you have any questions, please feel free to contact me.

Very truly yours,

Robert Alan Kemp

Acting Representative and Legal Resident Agent for: **NEVADA CENTRAL RAILROAD**

Enclosures: Verification, Notices, Certification of Service, Map

cc: Mr. John L. Digilio, Jr. Vice Chairman - Director President

Mr. Joseph Anthony McNulty, III - Director Vice President

ENTERED
Office of Proceedings

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NOV 16 2005

Part of
Public Record

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

FINANCE DOCKET NO. 34773

**- NEVADA CENTRAL RAILROAD -
- EXEMPTION FOR ACQUISITION AND OPERATION OF RAIL
SERVICE - IN ELKO AND WHITE PINE COUNTIES, NEVADA**

**VERIFIED NOTICE OF EXEMPTION
PURSUANT TO: 49 CFR 1150.31**

Pursuant to provisions of 49 U.S.C. ss 10901 and 49 C.F.R. ss 1152.50, Subpart D - Exempt Transactions, NEVADA CENTRAL RAILROAD-™, hereinafter referred to as ("NEVADA CENTRAL" and or "NCRR") a non-carrier, files this Verified Notice of Exemption from the prior approval requirements of 49 U.S.C. 10901 to permit NEVADA CENTRAL to acquire, operate, repair, and maintain, the existing (**134** - miles) of rail line previously identified by NEVADA CENTRAL to the U.S. Secretary of the Interior within the boundaries of the NEVADA CENTRAL - Government Granted Right of Way, described within the initial SIX MONTH NOTICE OF INTENT TO FILE NOTICE OF CONSTRUCTION AND OPERATION filed with the Surface Transportation Board, ("STB"), by NEVADA CENTRAL on July 14th, 2003, referenced to Finance Docket No: 34382 describing the (NCR-ByPass-™), which includes but is not limited to the following portion of the [NCRR North East Fork] line of railroad extending between: (a) Cobre, Nevada at (milepost: NCRR NORTH EAST FORK ML-0.0) and McGill Junction, Nevada (milepost: NCRR NORTH EAST FORK ML-128.0) a distance of Appx: (**128** - miles) in Elko and White Pine Counties, Nevada., and: (b) the [McGill Local Line] of railroad extending between the McGill Local Line Switch near McGill Junction, Nevada at (milepost:

NCRR NORTH EAST FORK ML- 128.0) and McGill, Nevada (milepost NCRR MCGILL LOCAL LINE LL-6.0), a distance of Appx: (**6** - miles) in White Pine County, Nevada. NEVADA CENTRAL intends to initiate operations repairs and maintenance to the existing connected rail lines described herein within 15-Days from the date of the filing of this Verified Notice of Exemption for Acquisition and Operation of Rail Service, (or, on or about December 1st, 2005), in order to first commence operations supporting the provision of commercial rail service on what is commonly referred to in Nevada as the NCRR-North Fork, as an existing portion of the NCR-ByPass-TM "Right of Way" that in the future will connect with the (to be legally authorized and constructed NCRR-North Fork, NCRR-West Fork, and NCRR-South Fork Railroad Extensions, completing the First Construction Phase of the NCR ByPass-TM) to: Beowawe, Hawthorn, and Jean/Prim, Nevada.

In support hereof, NEVADA CENTRAL submits the following information required by
49 C.F.R. ss 1150.33:

1. Certification required in ss 1152.50(a) and (b) Identification of Applicant and Applicants' Representative:

(b-i) Applicant: NEVADA CENTRAL RAILROAD, a Nevada Railroad Corporation, with its principal operations base at: Tonopah Airport, Nevada, with Administrative Offices based at: 4959 Talbot Lane, Unit: # 69, Reno, Nevada 89509.

(b-ii) Applicants' Representative: AVIATION TECHNOLOGIES LTD., a Nevada Corporation, C/O: CEO, Robert Alan Kemp, with principal Administrative Offices based at: 4959 - Talbot Lane, Unit: # 69, Reno, Nevada 89509.

1. Statement of Agreement and or Legal Basis Supporting Acquisition required in ss 1150.33(c): NEVADA CENTRAL RAILROAD as Plaintiff has executed civil suit in condemnation in the Seventh Judicial District Court of the State of Nevada in and for the County of White Pine on June 28th, 2004, and is proceeding to complete the acquisition of the railroad lines described above through eminent domain proceedings authorized by State of Nevada Revised Statutes under Section 37.230(2), from Los Angeles Department of Water and Power, and or any legal successor to Los Angeles Department of Water and Power's interest and ownership of the instant railroad lines as (Real, Personal and or Intellectual Property), and or any party other than or in addition to Los Angeles Department of Water and Power, claiming or holding a legal interest and or ownership in the Real Property constituting the supporting land basis of this portion of the: NCR-ByPass™, NCRR-North East Fork - "Right of Way."

As this Acquisition by NEVADA CENTRAL RAILROAD involves the judicial process of eminent domain as authorized under Nevada State Revised Statutes, NEVADA CENTRAL has completed and posted Public Notice and executed Legal Certificate of Service of its [Intent to File Verified Notice of Exemption to Acquire and Operate Rail Service in Elko and White Pine Counties, Nevada, on or about November 16th, 2005], and has attached copies of same to this instant original Application identified herein as:

(NCR-STB-EXHIBIT 13-A-11-16-2005),

(NCR-STB-EXHIBIT 13-B-11-16-2005),

(NCR-STB-EXHIBIT 13-C-11-16-2005).

2. Operator of the Property as required in ss 1150.33(d): As a Public Convenience and Necessity, effective as of the date of the effective date of this notice, NEVADA CENTRAL will execute preparations necessary for the provision of commercial rail service over the railroad lines identified herein to increase commerce and economic development within the north east region of the State of Nevada.

NEVADA CENTRAL RAILROADTM, otherwise know as NEVADA CENTRALTM, and or NCRR, presently is a non-carrier controlled by its directors, Robert Alan Kemp, John T. Digilio, Jr., Joseph A. McNulty, III, and shareholders, [AVIATION TECHNOLOGIES LTD.], [CITY OF ELY], [ELKO COUNTY] and [WHITE PINE COUNTY], who are each non-carriers. NCRR will become a Class - III carrier following consummation of the subject transaction.

3. Summary of the Proposed Transaction as required in ss 1150.33(c) (1)-(4):

(1) The name and address of the party originally identified within the Condemnation Suit in the Seventh Judicial District Court of the State of Nevada by NEVADA CENTRAL to transfer the subject property is:

Los Angeles Department of Water and Power

1394 - Sepulveda Blvd,

Los Angeles, CA, 90025

(2) The involved "Condemnation" judicial Eminent Domain Process supporting this application is presently expected to be completed within or before the Second Quarter of 2006.

The lines that **NEVADA CENTRAL** will acquire and operate through the judicial Eminent Domain process relevant to the instant Application are located in the State of Nevada and include:

(i) - the line known in Nevada as the [NCRR - NORTH EAST FORK] between Milepost 0.0 at Cobre, Nevada, more specifically identified by NCRR herein as: (milepost: NCRR NORTH EAST FORK ML-0.0), and Milepost 128.0 at McGill Junction, Nevada, more specifically identified by NCRR herein as: (milepost: NCRR NORTHEAST FORK ML-128.0), a distance of Appx: (**128** - miles); and

(ii) - the line known in Nevada as the [NCRR - MCGILL LOCAL LINE] between the McGill Local Line Switch near Milepost 128.0 at McGill Junction, Nevada, more specifically identified by NCRR herein as: (milepost: NCRR NORTHEAST FORK ML-128.0), and Milepost 6.0 at McGill, Nevada, more specifically identified by NCRR herein as: (milepost: NCRR MCGILL LOCAL LINE LL-6.0), a distance of Appx: (**6** - miles).

(3) The total length of the connected lines, is approximately (**134**) - miles.

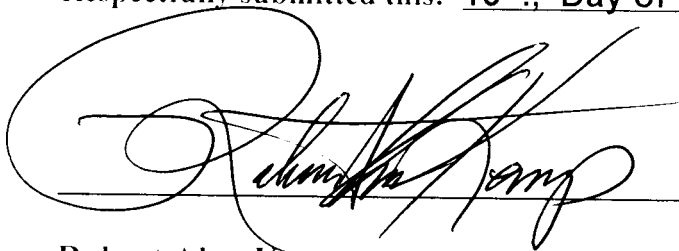
(4) **NEVADA CENTRAL** has warranted under legal contract on July 13th, 2002 to the: (City of Ely), (Elko, and White Pine Counties), that it will (**Not - Abandon in order to Salvage**) the railroad lines identified within this Application for a 25-Year Period commencing January 1st, 2002. In the event that **NEVADA CENTRAL** decides to Discontinue Operations on the railroad lines identified within this Application, **NEVADA CENTRAL** will provide the City of Ely the First Right of Refusal to Acquire Same under 49 U.S.C. 10903.

4. Map of the Property as required in ss 1150.33(f): A map of the connected lines is attached hereto as (NCR-STB-EXHIBIT 13-D-11-16-2005).
5. Class III Revenue Certification as required in ss 1150.32(e) and 1150.33(g): NEVADA CENTRAL hereby certifies that NCRR's projected annual revenue as a result of the instant transaction will not exceed the annual revenue of a Class III railroad and will not result in the creation of a Class II or Class I rail carrier that would require processing under Section 1150.32(e).
6. Statement of Historic Preservation as required in ss 1150.32(d): NEVADA CENTRAL will operate the connecting lines for the stated purpose of maintaining commercial operations ("commerce"), necessary to economically support the continuing maintenance and repair of the lines in order to preserve and protect the lines from permanent removal and salvage. NEVADA CENTRAL will preserve intact all sites and structures on the property that are more than 50-years old until compliance with Section 1056 of the National Historic Preservation Act, 16 U.S.C. 470f, is achieved. Abandonment of rail operations over the lines would require further Board approval and there are no plans to dispose of or alter properties subject to Board jurisdiction that are 50-years old or older. Since the acquisition provides for continuing rail operation and track maintenance, no historic preservation report is required under 49 CFR 1105.8(b)(1).
7. Statement of Environmental Documentation as required in ss 1105.6(c)(2): The proposed transaction will not result in significant changes in carrier operations compared to those executed by the previous operator: (BHP Nevada Railroad Company). As such, no environmental documentation is required under the criteria of 49 CFR 1105.6(c)(2), since the acquisition and operation of the lines will not cause operating changes that exceed the thresholds in 49 CFR 1105.7(c)(4) or (5).

This action will not significantly adversely affect either the quality of the human environment or energy conservation.


8. Caption Summary ss 1150.34: A caption summary for publication in the Federal Register is attached.

Respectfully submitted this: 13th, Day of November, 2005


A handwritten signature in black ink, appearing to read "Robert Alan Kemp", is written over a horizontal line.

Robert Alan Kemp
Chairman & CEO., AVIATION TECHNOLOGIES LTD.,
4959 - Talbot Lane, Unit: # 69
Reno, Nevada, 89509
Representing: NEVADA CENTRAL RAILROAD

[illegible]



John T. Digilio, Jr.


Joseph Anthony McNulty III

Justice E. Brager
Notary Public

Christine Ebmeyer
Notary Public, State of New York
No. 01EB6051725
Qualified in Suffolk County
Commission Expires December 4, 2016

My Commission Expires:

ELKO DAILY FREE PRESS

3720 Idaho St.

Elko, Nev. 89801

(775) 738-3118

Affidavit of Publication

NOTICE OF INTENT TO ACQUIRE AND OPERATE RAIL SERVICE

The NEVADA CENTRAL RAILROAD,™ a Nevada Railroad Corporation hereinafter also referred to as (Nevada Central™) hereby gives Public Notice pursuant to 49 U.S.C. ss 10901 and 49 C.F.R. ss 1150.31 that on or about November 16, 2005, that Nevada Central Railroad intends to file with the Surface Transportation Board, Washington, DC 20423, a Notice of Exemption for Acquisition and Operation of an existing portion of the NCR-ByPass™ right of way previously identified and established for Construction and Operation by Nevada Central Railroad with the Surface Transportation Board on July 14, 2003 under Finance Docket No. 34382, which includes the identification of but is not limited to the 128-Miles of existing railroad system generally and historically referred to as the Nevada Northern Railway, commencing from a northern point at (Mile Post 0.0 at Coble), running to a southern point to (Mile Post 128.0 at McGill Jct.). The line extends on each side of the milepost. The proceeding has been docketed as: Finance Docket No. 34773, **NEVADA CENTRAL RAILROAD — EXEMPTION FOR ACQUISITION AND OPERATION AND RAIL SERVICE — IN ELKO AND WHITE PINE COUNTIES, NEVADA.**

The Board's Section of Environmental Analysis (SEA) may or may not at its discretion, prepare an Environmental Assessment (EA), which will normally be available 60-days after the filing of the petition of exemption for operation. Comments on environmental and energy matters should be filed no later than 30-days after the EA becomes available to the public and will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to SEA, Surface Transportation Board, Washington, D.C. 20423, or by calling SEA at (202) 565-1552. An original and 10 copies of any pleading that raises matters other than environmental issues must be filed directly with the Board's Office of the Secretary at: 1925 K St., NW, Washington, D.C. 20423, and one copy must be served on applicants' representative: AVIATION TECHNOLOGIES LTD., CEO, Robert Alan Kemp, at: 4959 — Talbot Lane, Unit #69, Reno, NV 89509. Copies of any comments or requests for conditions should also be served on applicants' representative: AVIATION TECHNOLOGIES LTD., CEO, Robert Alan Kemp, at: 4959 — Talbot Lane, Unit #69, Reno, NV 89509.

Oct-29, 31, Nov-1, 2, 3, 4

I, Dawn Olivas, business manager of the *Elko Daily Free Press*, published daily at Elko, Nevada, do solemnly swear that a copy of Notice of Intent to Acquire and Operate Rail Service as per clipping attached, was published October 29, 2005, in the regular and entire issue of said newspaper, with general circulation in Elko and Lander counties, and not in any supplement thereof, for one week commencing with the issue dated October 29, 2005, and ending with the issue dated November 4, 2005.

Subscribed and sworn to before me on _____
2005



THE ELY TIMES

Box 150820, Ely, Nevada 89315
(775) 289-4491

Acct. No. 14425

STATE OF NEVADA)
ELY) ss.

Laura Harper, being first duly
sworn, deposes and says:

That she/he is a legal clerk of the ELY TIMES, a
newspaper published at Ely in the State of Nevada,
of which a copy is hereto attached, was published in
said newspaper for the full
required period of 1 issue

commencing on Oct. 28, 2005

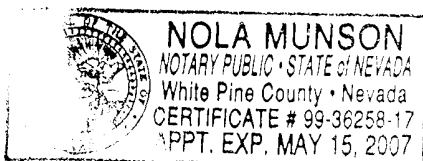
and ending on _____
both days inclusive.

Signed Laura Harper

Subscribed and sworn to before me this 3rd
day of November, 2005

Nola Munson

Notary Public



STATEMENT:

Date	Amt.	Cr.	Bal.

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INVOICE Affidavit of Publication

NOTICE OF INTENT TO ACQUIRE AND OPERATE RAIL SERVICE

The NEVADA CENTRAL RAILROAD (the "Nevada Central Railroad") here-
by gives Public Notice pursuant to 49 U.S.C. ss 10901 and 49 C.F.R.
ss 1150.31 that on or about November 16th, 2005, that Nevada
Central Railroad intends to file with the Surface Transportation Board,
Washington, DC 20423, a Notice of Exemption for Acquisition and
Operation of an existing portion of the NCR-By Pass right of way
previously identified and established for Construction and Operation
by Nevada Central Railroad with the Surface Transportation Board on
July 14th, 2003 under Finance Docket No. 34773 NEVADA CENTRAL
RAILROAD-EXEMPTION FOR OPERATION AND RAIL SERVICE IN
ELKO AND WHITE PINE COUNTIES, NEVADA. The Board's
system generally and test cases, etc. The line extends on each side of the interstate
Railway, commencing from a northern point to the north of the
Cobre), running to a southern point to the south of the interstate.
The line extends on each side of the interstate. The proceeding has
been docketed as: Finance Docket No. 34773 NEVADA CENTRAL
RAILROAD-EXEMPTION FOR OPERATION AND RAIL SERVICE IN
ELKO AND WHITE PINE COUNTIES, NEVADA. The Board's
Section of Environmental Analysis (SEA) may or may not at its discre-
tion, prepare an Environmental Assessment (EA) which will normally
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operation. Comments on environmental and energy matters should
be filed no later than 30-days after the EA becomes available to the
public and will be addressed in a Board decision. Interested persons
may obtain a copy of the EA or make inquiries regarding environmen-
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Washington, D.C. 20423 or by calling SEA at (202) 565-1552. An orig-
inal and 10-copies of any pleading that raises matters other than envi-
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Secretary at 1925-K St., NW., Washington, D.C. 20423, and one
copy must be served on applicants' representative: AVATION, TECH-
NOLOGIES LTD., CEO., Robert Alan Kemp, at 4150 Lakeview Way,
Unit-#69, Reno, NV 89509. Copies of any documents or requests for
conditions should also be served on applicants' representative: AVATION, TECH-
NOLOGIES LTD., CEO., Robert Alan Kemp, at 4150 Lakeview Way,
Unit-#69, Reno, NV 89509. Publish: The Ely Times, October 28, 2005.

FINANCE DOCKET NO. 34773

**NEVADA CENTRAL RAILROAD - EXEMPTION FOR
ACQUISITION AND OPERATION OF RAIL SERVICE - IN ELKO
AND WHITE PINE COUNTIES, NEVADA**

CERTIFICATE OF SERVICE

(49 C.F.R. ss 1150.31)

This is to certify that the undersigned served via first class mail on this date a copy of the **NEVADA CENTRAL RAILROAD™**, hereinafter (**Nevada Central™**) **Public Notice of Intent to Acquire and Operate Rail Service** between (Cobre Nevada and (McGill, Nevada)

Nevada Public Service Commission
1150 - East William Street
Carson City, Nevada 89701

National Park Service
1849 - C Street NW
Mail Stop: 3622
Washington, D.C. 20240

Nevada Governor: **Kenny Guinn**
C/O: CAPITAL COMPLEX
101 - North Carson Street,
Carson City, Nevada 89701

U. S. Department of Energy
Office of Civilian Radioactive Waste
Management
Acting Director: Paul Golan
C/O: U. S. Department of Energy
1000 - Independence Ave., SW
Washington, D.C. 20585

Military Management Traffic Command
MTMCTEA
Attn: Railroads for National Defense
720 - Thimble Shoar Road
Newport News, Virginia 23606

Chief, U.S. Forest Service
201 - 14th Street SW
Yates Building
Washington, D.C. 20024

Nye County Nuclear Waste Repository
Project Office Interim Director:
David Swanson
1210 East Basin Road, Ste #1
Pahrump, Nevada 89049

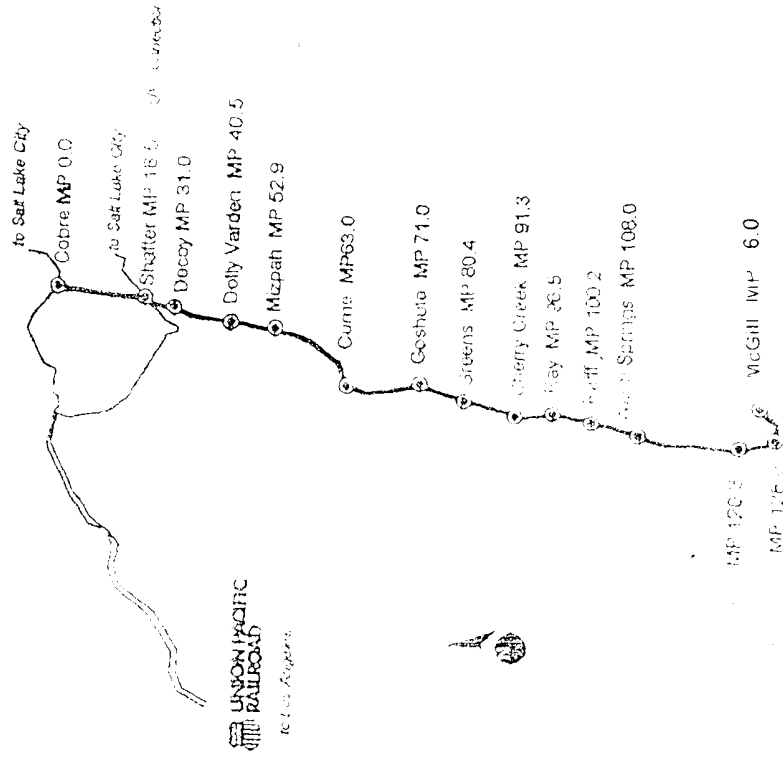
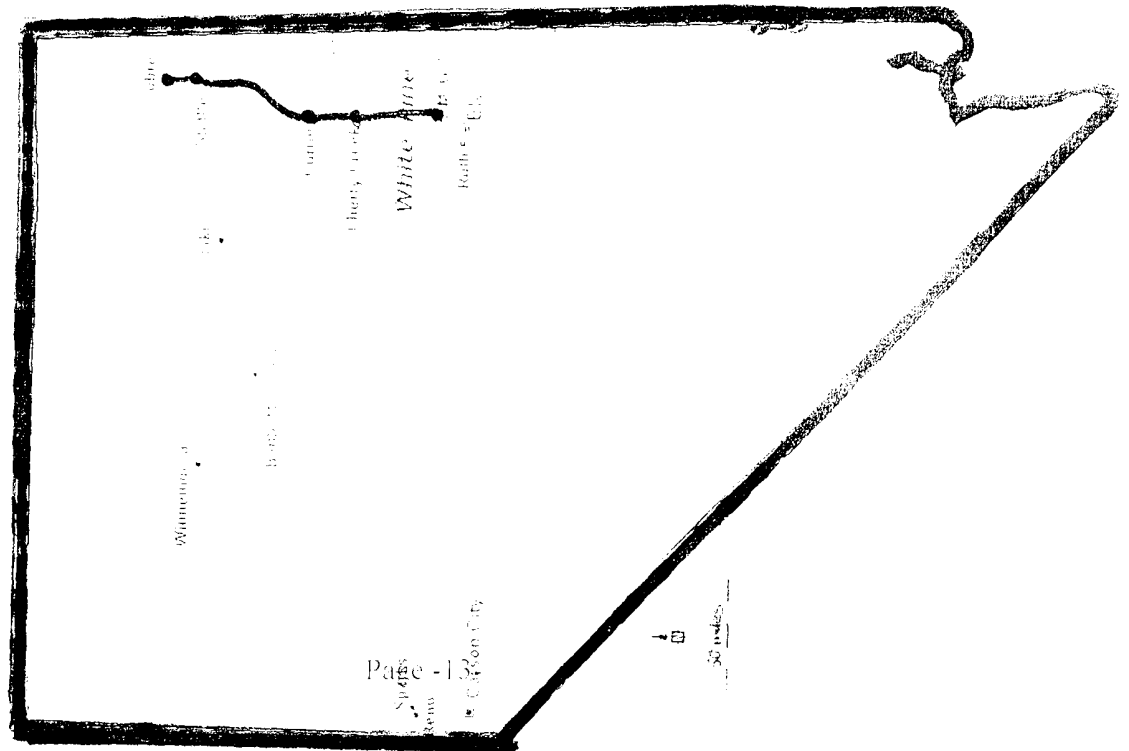
Secretary of the Department of the
Interior: **Gale A. Norton**
Department of the Interior
1849 - C Street NW
Washington, D.C. 20024


Robert Alan Kemp, CEO, Aviation Technologies Ltd.
Representing: **NEVADA CENTRAL RAILROAD**

October 27, 2005

NEVADA CENTRAL RAILROAD™

NCR-ByPass™ "Existing Rail" - North East Fork



**BEFORE THE
SURFACE TRANSPORTATION BOARD**

FINANCE DOCKET NO. 34773



**- NEVADA CENTRAL RAILROAD -
- EXEMPTION FOR ACQUISITION AND OPERATION OF RAIL
SERVICE - IN ELKO AND WHITE PINE COUNTIES, NEVADA**

Pursuant to provisions of 49 U.S.C. ss 10901 and 49 C.F.R. ss 1150.31, NEVADA CENTRAL RAILROAD-TM, a Nevada Railroad Corporation hereinafter referred to as ("NEVADA CENTRAL-TM" and or "NCRR") has filed a Verified Notice of Exemption to permit NEVADA CENTRAL to acquire, operate, repair, and maintain, the existing (134 - miles) of rail line previously identified by NEVADA CENTRAL to the U.S. Secretary of the Interior within the boundaries of the NEVADA CENTRAL - Government Granted Right of Way, described within the initial SIX MONTH NOTICE OF INTENT TO FILE NOTICE OF CONSTRUCTION AND OPERATION filed with the Surface Transportation Board, ("STB-SEA"), by NEVADA CENTRAL on July 14th, 2003, referenced to Finance Docket No: 34382 describing the (NCR-ByPass-TM), which includes but is not limited to the following portion of the [NCRR North East Fork] line of railroad extending between: (a) Cobre, Nevada at (milepost: NCRR NORTHEAST FORK ML-0.0) and McGill Junction, Nevada (milepost: NCRR NORTH EAST FORK ML-128.0) a distance of Appx: (128 - miles) in Elko and White Pine Counties, Nevada., and: (b) the [McGill Local Line] of railroad extending between the McGill Local Line Switch near McGill Junction, Nevada at (milepost: NCRR NORTH EAST FORK ML- 128.0) and McGill, Nevada (milepost NCRR MCGILL LOCAL LINE 1.1-6.0), a distance of Appx: (6 - miles) in White Pine County, Nevada, (the "lines"), for the purpose of engaging in commerce by providing commercial rail services thereon.

Comments in this proceeding must be filed with the Surface Transportation Board, Office of the Secretary, 1925 - K Street, N.W. Washington, DC 20423-0001. In addition, a copy must be served on NEVADA CENTRAL's representative: AVIATION TECHNOLOGIES LTD., CEO., Robert Alan Kemp, at: 4959 - Talbot Lane, Unit: # 69, Reno, Nevada, 89509.

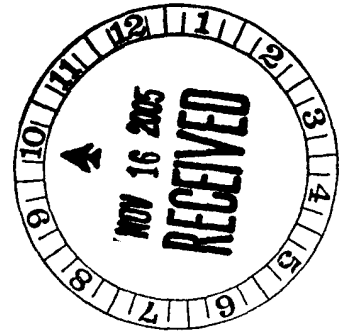
This Notice is filed under 49 CFR 1150.31 *et. Seq.*. If this Notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

Vernon A. Williams, Secretary

CAPTION SUMMARY

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

FINANCE DOCKET NO. 34773



**- NEVADA CENTRAL RAILROAD -
- EXEMPTION FOR ACQUISITION AND OPERATION OF RAIL
SERVICE - IN ELKO AND WHITE PINE COUNTIES, NEVADA**

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